IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 3997 of 1996

Between:

Sri Kampa Rayappa S/o Kasaiah
R/o Piduguralla, Guntur Dist.

..... PETITIONER

AND

1 The Govt. of A.P. rep. by Secretary
Mines & Geology Dept., Secretariat Buildings,
Hyderabad
2 The Dy. Director of Mines & Geology,
Guntur
3 The Asst. Director, Mines & Geology,
Guntur
4 M/s. Kalyani Granite (P) Ltd. (dismissed)
Piduguralla, Guntur Dist.
(R4 DISMISSED FOR DEFAULT SIDE CO. DT. 13.2.2003)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Mandamus or any other writ or direction or order declaring the action of the respondents 1 to 3 in not deleting the land to an extent of Ac.2-65 cents situated in Sy.Nos.715 & 716 at Piduguralla (V), Guntur Dist. as requested by the Collector in his Letter dt: 17-11-95 in L.Dis.No.10406/95/M3 as being illegal, improper, unjust arbitrary capricious and opposed to the principles of natural justice.

Counsel for the Petitioner: SMT.P.VIJAYA LAKSHMI

Counsel for the Respondents 1 to 3: GP FOR MINES AND GEOLOGY

Counsel for 4th respondent : None appeared

The Court made the following :

ORAL ORDER:

This writ petition is filed to declare the action of respondents 1 to 3 in not deleting the land belonging to the petitioner in an extent of Ac.2-65 cents in Sy.No.715 and 716 of Piduguralla Village, Guntur District from the lands leased out to the 4th respondent as illegal and arbitrary.

The case of the petitioner is that he is an ex-service man and he was allotted some land by the Government in an extent of Ac.5-00 in Sy.Nos.692, 714, 715 and 716 of Piduguralla Village, a certificate was also issued to that effect in the year 1993 and he has been cultivating the same. While so, out of the said land, an extent of Ac.2-65 cents situated in Sy.Ni.715 and 716 was leased out by respondents 1 to 3 to the 4th respondent – M/s Kalyani Granite (P) Limited without any notice to the petitioner and therefore, he made a representation to the District Collector to delete the said lands from the lands leased out to the 4th respondent. The only grievance of the petitioner is that though the District Collector, requested the 3rd respondent to eliminate the lands in Sy.No.692, 714, 715 and 716 from the lands leased out to the 4th respondents, the respondents 1 to 3 have not taken any steps to do so.

The respondents filed counter affidavit admitting the fact that an extent of Ac.18.81 cents in Sy.No.712, 715, 716 and 719 of Konanki Village of Piduguralla Mandal, which includes the land in an extent of Ac.2-65 cents belonging to the petitioner was leased out to the 4th respondent and the land in question has to be deleted from the lease hold land as recommended by the District Collector, as it is a patta land granted in favour of the petitioner. It is further stated that a proposal has already been sent by the 3rd respondent to the 2nd respondent for deletion of land in Sy.Nos.715 and 716 of Konanki Village, which covers the land of the petitioner also and the same is under consideration.

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology.

It is represented by the learned Government Pleader for Mines and Geology that while admitting the writ petition, interim direction was granted by this court in favour of the petitioner by order dated 29-2-1996 and thereafter the lease granted in favour of the 4th respondent has expired and now the lands are under the control of the petitioner only.

Having regard to the statement made in the counter affidavit that the 3rd respondent has already sent a proposal to the 2nd respondent for deletion of the land in question from the leasehold lands and in view of the submission made by the leaned Government Pleader that now the land is under the control of the petitioner only, no further orders are necessary in this writ petition.

The writ petition is accordingly closed.

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19-11-2004

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To

1 The Govt. of A.P. rep. by Secretary
Mines & Geology Dept., Secretariat Buildings,
Hyderabad
2 The Dy. Director of Mines & Geology,
Guntur

3 The Asst. Director, Mines & Geology,
Guntur
4. Two C.Cs. to the G.P. for Mines and Geology, High Court of A.P (OUT)

5. Two C.D. copies